

PRO SE

**U.S. District Court
District of Montana (Billings)
CRIMINAL DOCKET FOR CASE #: 1:17-cr-00077-SPW-1**

Case title: USA v. Schneider

Date Filed: 06/22/2017

Date Terminated: 08/16/2018

Assigned to: Judge Susan P. Watters

Appeals court case number: 18-30187

Ninth Circuit Court of Appeals

Defendant (1)**John Henry Schneider***TERMINATED: 08/16/2018*represented by **John Henry Schneider**

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*TERMINATED: 09/07/2018**Designation: Retained***Gregory G. Costanza**

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TERMINATED: 10/05/2018

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TERMINATED: 09/07/2018

Designation: Retained

Pending Counts

18:152.F CONCEALMENT OF
BANKRUPTCY ASSETS.

(3s)

Disposition

The defendant is SENTENCED ON
COUNT 3 OF THE SUPERSEDING
INDICTMENT to the custody of the B.O.P
for a term of 24 months, to be followed
with 3 years supervised release with
standard and special conditions.
Restitution in the amount of \$308, 945
payable to Trustee Joe Womack with
interest. Fine waived, special assessment
\$100 due immediately.

Highest Offense Level (Opening)

Felony

Terminated Counts

18:152.F FALSE STATEMENT UNDER
OATH IN RELATION TO A
BANKRUPTCY PROCEEDING.

(1-2)

18:152.F FALSE STATEMENT UNDER
OATH IN RELATION TO A
BANKRUPTCY PROCEEDING.

(1s-2s)

18:152.F CONCEALMENT OF
BANKRUPTCY ASSETS

(3-4)

18:152.F CONCEALMENT OF
BANKRUPTCY ASSETS.

(4s)

18:152.F FRAUDULENT TRANSFER
OF ASSETS IN RELATION TO A
BANKRUPTCY PROCEEDING

(5)

Disposition

Dismissed.

Dismissed on Govt motion.

Dismissed.

Dismissed on Govt motion.

Dismissed.

18:152.F FRAUDULENT TRANSFER
OF ASSETS IN RELATION TO A
BANKRUPTCY PROCEEDING.
(5s)

Dismissed on Govt motion.

Highest Offense Level (Terminated)

Felony

Complaints

None

Disposition

Claimant

John Moyer

*Attorney for Claimants Thomas, Morrell,
Lee, Curtis, Knopp, and Estate of Monaco*

represented by **Jon M. Moyers**

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LEAD ATTORNEY

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Plaintiff

USA

represented by **Colin M. Rubich**

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Date Filed	#	clear	Docket Text
06/22/2017	1		SEALED INDICTMENT as to John Henry Schneider (1) count(s) 1-2, 3-4, 5. (EMH) (Entered: 06/23/2017)
06/22/2017	2	<input type="checkbox"/>	Redacted Indictment as to John Henry Schneider. (EMH) (Entered: 06/23/2017)
06/22/2017	3		Criminal Cover Sheet filed by USA regarding the 1 Indictment (Sealed) as to John Henry Schneider. (EMH) (Entered: 06/23/2017)

06/22/2017	4		Summons Issued in case as to John Henry Schneider. Arraignment set for 7/11/2017 at 09:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. (EMH) (Entered: 06/23/2017)
06/27/2017	5	<input type="checkbox"/>	MOTION to Quash and Re-Issue Summons by USA as to John Henry Schneider. (JDR) (Additional attachment(s) added on 6/27/2017: # 1 Text of Proposed Order) (JDR). (Entered: 06/27/2017)
06/28/2017	6	<input type="checkbox"/>	ORDER granting 5 Motion to Quash and Re-Issue Summons as to John Henry Schneider (1). Signed by Magistrate Judge Timothy J. Cavan on 6/28/2017. Copy to USMS 6/28/2017. Sent via email to AUSA. (JEC) Modified on 6/28/2017 (JEC). (Entered: 06/28/2017)
06/28/2017	7		Summons Re-Issued in case as to John Henry Schneider. Initial Appearance set for 7/11/2017 at 09:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. Arraignment set for 7/11/2017 at 09:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. Original to USMS. Copy sent via email to AUSA. (JEC) Modified on 6/29/2017 (JDR). (Entered: 06/28/2017)
07/11/2017	8		MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: Docket Call as to John Henry Schneider held on 7/11/2017. This was the time set for an ARRAIGNMENT. The government informs the Court certified mail service is being attempted and requests a continuance. The Court grants the motion and the arraignment is reset for 8/8/2017 at 9:00 a.m. Hearing commenced at 9:16 a.m. and concluded at 9:19 a.m. (Court Reporter FTR Gold) (USPO: Tanya Wilson), (Law Clerk: D. Boyd), (Hearing held in Billings - BHC) (JDR) (Entered: 07/11/2017)
07/11/2017			Reset Hearing as to John Henry Schneider. Arraignment set for 8/8/2017 at 09:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. (JDR) (Entered: 07/11/2017)
07/24/2017	11		SEALED SUPERSEDING INDICTMENT as to John Henry Schneider (1) count(s) 1s-2s, 3s-4s, 5s. (EMH) (Entered: 07/24/2017)
07/24/2017	12	<input type="checkbox"/>	Redacted Indictment as to John Henry Schneider. (EMH) (Entered: 07/24/2017)
07/24/2017	13		Criminal Cover Sheet filed by USA regarding the 11 Superseding Indictment (Sealed) as to John Henry Schneider. (EMH) (Entered: 07/24/2017)
07/24/2017	14		Summons Issued in case as to John Henry Schneider. Arraignment set for 8/29/2017 at 09:00 AM in Billings, MT before Judge Timothy J. Cavan (EMH) Modified on 7/24/2017 to correct Judge information(EMH). (Entered: 07/24/2017)
08/29/2017	15		MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: Docket Call as to John Henry Schneider held on 8/29/2017. This was the time set for and ARRAIGNMENT. ASUA Colin Rubich and FD David Merchant are present. Defendant failed to appear. The USA advises court deft has not accepted service of the summons and moves for an arrest warrant. The Court grants the motion. Hearing commenced at 9:07 A.M. and concluded at 9:08 A.M. (Court Reporter FTR Gold) (USPO: Tanya Wilson), (Law Clerk: J. Harkins), (Hearing held in Billings - BHC) (JDR) (HARD COPY OF MINUTE ENTRY TO USA.) (Entered: 08/29/2017)

09/28/2017			Case unsealed as to John Henry Schneider (JDR) (Entered: 09/28/2017)
09/28/2017			Arrest of John Henry Schneider in Southern District of California. (JDR) (Entered: 09/28/2017)
09/28/2017	18	<input type="checkbox"/>	Rule 5 Documents Received for MT Deft Arrested in the S. District of California (San Diego)as to John Henry Schneider (JDR) (Entered: 09/28/2017)
09/28/2017	19		Appearance Bond Entered in the S. District of California as to John Henry Schneider. (JDR) (JDR). (Entered: 09/28/2017)
10/02/2017			Set/Reset Hearings as to John Henry Schneider. Arraignment set for 10/12/2017 at 09:00 AM in Billings, MT before Magistrate Judge Timothy J. Cavan. (JDR) (Entered: 10/02/2017)
10/03/2017	20	<input type="checkbox"/>	NOTICE OF ATTORNEY APPEARANCE: Colin M. Stephens appearing for John Henry Schneider (Stephens, Colin) (Entered: 10/03/2017)
10/06/2017			Attorney update in case as to John Henry Schneider. Attorney John E. Smith for John Henry Schneider added per Notice of Appearance filed on 10/3/2017. (JDR) (Entered: 10/06/2017)
10/12/2017	21		MINUTE ENTRY for proceedings held before Magistrate Judge Timothy J. Cavan: Arraignment as to John Henry Schneider (1) Count 1s-2s,3s-4s,5s held on 10/12/2017. Retained counsel John Smith appearing w/in-custody defendant; AUSA Colin Rubich and USPO Dawn Roberts are present. Deft ATN, has rec'd and reviewed the Indictment. Deft waives reading of the charges and is advised of the max penalties possible. Not Guilty Plea entered by John Henry Schneider (1) Count 1s-2s,3s-4s,5s. The USA concurs with PT Services recs for release with addl condition of no contact with witness Kathleen Burroughs. No obj by deft. Deft is released on O/R subject to standard and special conditions with no supervision. Hearing commenced at 9:02 a.m. and concluded at 9:11 a.m. (Court Reporter Becky Sabo) (USPO: Dawn Roberts), (Law Clerk: J. Harkins), (Hearing held in Billings - BHC) (JDR) (Entered: 10/12/2017)
10/12/2017	22	<input type="checkbox"/>	ORDER Setting Conditions of Release as to John Henry Schneider. Signed by Magistrate Judge Timothy J. Cavan on 10/12/2017. (JDR) (Entered: 10/12/2017)
10/12/2017	24	<input type="checkbox"/>	SCHEDULING ORDER as to John Henry Schneider Discovery due by 10/17/2017. Motions due by 10/30/2017. Motion to Change Plea due by 12/1/2017. Pretrial Conference set for 12/11/2017 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Jury Trial set for 12/11/2017 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 10/12/2017. (AMC) (Entered: 10/12/2017)
10/13/2017	25	<input type="checkbox"/>	NOTICE OF TRIAL DAYS by USA as to John Henry Schneider. Number of Trial Days: 4 (Rubich, Colin) (Entered: 10/13/2017)
10/17/2017	26	<input type="checkbox"/>	MOTION to Continue <i>All Deadlines</i> by John Henry Schneider. (Attachments: # 1 Text of Proposed Order) (Stephens, Colin) (Entered: 10/17/2017)
10/17/2017	27	<input type="checkbox"/>	BRIEF/MEMORANDUM in Support by John Henry Schneider re 26 MOTION to Continue <i>All Deadlines</i> (Stephens, Colin) (Entered: 10/17/2017)
10/18/2017	28	<input type="checkbox"/>	ORDER RESETTING TRIAL AND PRETRIAL DEADLINES. Order granting 26 MOTION to Continue <i>All Deadlines</i> filed by John Henry Schneider. IT IS

			HEREBY ORDERED that the Jury Trial set for 12/11/2017 is VACATED and RESET for 2/12/2018 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference set for 2/12/2018 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Pretrial Motions due by 12/29/2017. Motion Change of Plea due by 2/2/2018. Signed by Judge Susan P. Watters on 10/17/2017. (EMH) (Entered: 10/18/2017)
01/19/2018	29	<input type="checkbox"/>	Unopposed MOTION to Continue <i>All Deadlines</i> by John Henry Schneider. (Attachments: # 1 Text of Proposed Order) (Stephens, Colin) (Entered: 01/19/2018)
01/19/2018	30	<input type="checkbox"/>	BRIEF/MEMORANDUM in Support by John Henry Schneider re 29 Unopposed MOTION to Continue <i>All Deadlines</i> (Stephens, Colin) (Entered: 01/19/2018)
01/19/2018	31	<input type="checkbox"/>	ORDER RESETTING TRIAL AND PRETRIAL DEADLINES. GRANTING 29 Motion to Continue as to John Henry Schneider (1) Motions due by 2/23/2018. Motion to Change Plea due by 3/30/2018. Jury Trial set for 4/9/2018 at 09:00 AM in Billings, MT before Judge Susan P. Watters. Pretrial Conference set for 4/9/2018 at 08:30 AM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 1/19/2018. (AMC) (Entered: 01/19/2018)
03/26/2018	32	<input type="checkbox"/>	Unopposed MOTION TO CHANGE PLEA by John Henry Schneider. (Attachments: # 1 Text of Proposed Order) (Smith, John) (Entered: 03/26/2018)
03/26/2018	33	<input type="checkbox"/>	Order as to John Henry Schneider. IT IS HEREBY ORDERED that the trial set for 4/9/2018 is VACATED. IT IS FURTHER ORDERED that a Change of Plea Hearing is set for 4/18/2018 at 02:30 PM in Billings, MT before Judge Susan P. Watters. IT IS FURTHER ORDERED that the executed plea agreement shall be filed with the Court on or before April 13, 2018. Signed by Judge Susan P. Watters on 3/26/2018. (EMH) (Entered: 03/26/2018)
03/27/2018	34	<input type="checkbox"/>	PLEA AGREEMENT as to John Henry Schneider. (Original to USPO) (AMC) (Entered: 03/27/2018)
04/17/2018	35	<input type="checkbox"/>	OFFER OF PROOF as to John Henry Schneider (Rubich, Colin) (Entered: 04/17/2018)
04/18/2018	36		MINUTE ENTRY for proceedings held before Judge Susan P. Watters: CHANGE OF PLEA HEARING as to John Henry Schneider held on 4/18/2018. Dft present and NOT in custody with retained counsel John Smith; AUSA Colin Rubich. Govt states essence of the plea agreement. Oath administered and dft states true name, age, education, past work. No mental illness, drugs or alcohol. Dft has received a copy of the superseding indictment and understands the charges. Plea is voluntary without promises, force or threats. Dft advised of the max penalties and rights waived by a guilty plea. Elements and offer of proof read. Court GRANTS dfts motion to change plea. DFT PLEADS GUILTY ON COUNT 3 IN THE SUPERSEDING INDICTMENT and explains why he is guilty. Court accepts guilty plea, finding dft competent and plea is voluntarily made. PSR ordered and sentencing set for 8/15/2018 at 1:30 pm. At the time of sentencing the Government will move to dismiss counts 1, 2, 4, 5. Govt has no objection, and dft will continue release with same conditions. Hearing commenced at 2:30 pm and concluded at 3:05 pm (Court Reporter Becky Sabo) (USPO: Ally Guldberg), (Hearing held in Billings-SMC) (AMC) (Entered: 04/18/2018)

04/19/2018	37	<input type="checkbox"/>	ORDER SETTING SENTENCING as to John Henry Schneider Sentencing set for 8/15/2018 at 01:30 PM in Billings, MT before Judge Susan P. Watters. Signed by Judge Susan P. Watters on 4/19/2018. (AMC) (Entered: 04/19/2018)
07/31/2018	38	<input type="checkbox"/>	SENTENCING MEMORANDUM by John Henry Schneider (Attachments: # 1 Appendix) (Smith, John) (Entered: 07/31/2018)
07/31/2018	39	<input type="checkbox"/>	SENTENCING MEMORANDUM by USA as to John Henry Schneider (Attachments: # 1 Exhibit 1, # 2 Exhibit 2) (Rubich, Colin) (Entered: 07/31/2018)
08/07/2018	40	<input type="checkbox"/>	RESPONSE as to John Henry Schneider <i>re Government's Sentencing Memorandum</i> re 39 (Smith, John) (Entered: 08/07/2018)
08/15/2018	41		MINUTE ENTRY for proceedings held before Judge Susan P. Watters: Sentencing held on 8/15/2018 for John Henry Schneider (1), Dft present, NOT in custody with retained attorney John Smith; AUSA Colin Rubich for govt. Govt moves for reduction in sentencing for timely notice and acceptance of responsibility; GRANTED. PSR adopted without objection and Court will rely on for sentencing. Plea agreement accepted. Court reviews statutory and guideline calculations. Victim impact statements heard. Sentencing arguments made. Dft makes statement. Court reviews 3553(a) factors. The defendant is SENTENCED ON COUNT 3 OF THE SUPERSEDING INDICTMENT to the custody of the B.O.P for a term of 24 months, to be followed with 3 years supervised release with standard and special conditions. Restitution in the amount of \$308, 945 payable to Trustee Joe Womack with interest. Fine waived, special assessment \$100 due immediately. Govt moves to DISMISS Count 1, 2, 4 and 5 of the Indictment with prejudice; Granted. Dft advised of right to appeal sentence is waived pursuant to the plea agreement. Dft requests to self surrender; Govt objects and arguments heard. Dft allowed to self surrender to designated B.O.P. facility upon notification from USMS and allowed to remain released on same pretrial conditions. Hearing commenced at 1:30 PM and concluded at 3:22 PM. (Presentence Report due by 8/22/2018.) (Court Reporter Rebecca Sabo) (USPO: A.Guldborg), (Law Clerk: J.Wolff), (Hearing held in Billings-SMC) (EMH) (Entered: 08/15/2018)
08/15/2018	42		PRESENTENCE INVESTIGATION REPORT (Sealed) as to John Henry Schneider (AMC) (Entered: 08/15/2018)
08/16/2018	43	<input type="checkbox"/>	JUDGMENT as to John Henry Schneider (1), Count(s) 3s, The defendant is SENTENCED ON COUNT 3 OF THE SUPERSEDING INDICTMENT to the custody of the B.O.P for a term of 24 months, to be followed with 3 years supervised release with standard and special conditions. Restitution in the amount of \$308, 945 made payable to CHAPTER 7 Panel Bankruptcy Trustee Joseph Womack with interest. Fine waived, special assessment \$100 due immediately. Count(s) 1-2, 3-4, 5, Dismissed. Count(s) 1s-2s, 4s, 5s, Dismissed on Govt motion. Signed by Judge Susan P. Watters on 8/16/2018. (original judgment with SOR to USPO shelf) (EMH) (Entered: 08/16/2018)
08/16/2018	44		STATEMENT OF REASONS as to John Henry Schneider re 43 Judgment. Signed by Judge Susan P. Watters on 8/15/2018. (sealed email to AUSA and retained counsel J. Smith) (EMH) (Entered: 08/16/2018)
08/16/2018	45		PRESENTENCE INVESTIGATION REPORT (Sealed) as to John Henry Schneider (EMH) (Entered: 08/16/2018)

08/16/2018	46	<input type="checkbox"/>	TRANSCRIPT DESIGNATION ORDER FORM as to John Henry Schneider for proceedings held on 8/15/2018 before Judge Susan P. Watters. Court reporter Rebecca Sabo. Transcript due by 8/30/2018. (EMH) Modified on 8/16/2018 Filed by Court reporter for 3rd party request(EMH). (Entered: 08/16/2018)
08/23/2018	47	<input type="checkbox"/>	ARREST Warrant Returned Executed in case as to John Henry Schneider. (AMC) (Entered: 08/23/2018)
08/27/2018	48	<input type="checkbox"/>	NOTICE OF APPEAL by John Henry Schneider re 43 Judgment, Filing fee paid \$ 505, receipt number MTX100015425. (EMH) (Entered: 08/27/2018)
08/27/2018	49	<input type="checkbox"/>	DEFENDANT'S CONSENT TO ALLOW WITHDRAWAL OF COUNSEL OF RECORD by John Henry Schneider. (EMH) (Entered: 08/27/2018)
08/27/2018	50	<input type="checkbox"/>	APPLICATION FOR STAY OF SENTENCING PENDING APPEAL TO THE NINTH CIRCUIT COURT OF APPEALS by John Henry Schneider. (EMH) (Entered: 08/27/2018)
08/27/2018	51	<input type="checkbox"/>	TRANSCRIPT DESIGNATION ORDER FORM by John Henry Schneider for proceedings held on 4/18/2018- Change of Plea Hearing, 8/15/2018- Sentencing held before Judge Susan P. Watters. Court reporter Rebecca Sabo. Transcript due by 9/11/2018. (EMH) Modified on 8/28/2018 to correct the date of COP hearing (EMH). (Entered: 08/27/2018)
08/28/2018	52	<input type="checkbox"/>	USCA Case Number and Time Scheduling Order as to John Henry Schneider 18-30187 for 48 Notice of Appeal - Final Judgment filed by John Henry Schneider. (EMH) (Entered: 08/28/2018)
08/28/2018	53	<input type="checkbox"/>	RESPONSE to Motion by USA as to John Henry Schneider re 50 MOTION to Stay (Rubich, Colin) (Entered: 08/28/2018)
08/29/2018	54	<input type="checkbox"/>	TRANSCRIPT of SENTENCING as to John Henry Schneider held on 8/15/18, before Judge Susan P. Watters. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerk's office or the court reporter NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 14 DAYS OF THIS FILING. Contact Court Reporter Rebecca Sabo, 406-855-6410, rebeccasabo2017@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website Redaction Request due 9/19/2018. Redacted Transcript Deadline set for 10/1/2018. Release of Transcript Restriction set for 11/27/2018. (RMS) (Entered: 08/29/2018)
08/29/2018	55	<input type="checkbox"/>	TRANSCRIPT DESIGNATION ORDER FORM by USA as to John Henry Schneider for proceedings held on 4/18/2018 and 8/15/2018 before Judge Watters. Court reporter Rebecca Sabo Transcript due by 9/12/2018. (Rubich, Colin) (Entered: 08/29/2018)
09/04/2018	56	<input type="checkbox"/>	ORDER denying 50 Motion to Stay as to John Henry Schneider (1). Signed by Judge Susan P. Watters on 9/4/2018. (EMH) (Entered: 09/04/2018)
09/04/2018	57	<input type="checkbox"/>	NOTICE OF ATTORNEY APPEARANCE: Gregory G. Costanza appearing for John Henry Schneider <i>as Limited Scope Counsel</i> (Costanza, Gregory) (Entered: 09/04/2018)

09/04/2018	58	<input type="checkbox"/>	REPLY TO RESPONSE to Motion by John Henry Schneider re 50 MOTION to Stay <i>Sentencing Pending Appeal</i> (Attachments: # 1 Exhibit Mtn for Approval of Compromise Settlement, # 2 Exhibit NRIC Spreadsheet of claim and payout of reserves, # 3 Exhibit Biles v. Schneider Settlement Redacted, # 4 Exhibit NRIC Bank Statement post Biles, # 5 Exhibit NRIC Business Policy and MT Certification, # 6 Exhibit NRIC Med Mal Policy and MT Certification, # 7 Exhibit WY Policy on Admissibility of Med Mal Coverage, # 8 Exhibit Monaco Med Mal Claim and Expert Review of Facts, # 9 Exhibit Monaco Coroners Testimony re Cause of Death, # 10 Exhibit Monaco Deposition of Office Manager, # 11 Exhibit Monaco WY BOM FFCL, # 12 Exhibit Discovery Testimony, # 13 Exhibit Schneider Rev Trust Cap Acct in SLP, # 14 Exhibit Proposed Distr of Ch 7 Assets, # 15 Exhibit Unsecured Creditors Objection to Womack Fees, # 16 Exhibit 1991 Misdemeanor, # 17 Exhibit JS Communications, # 18 Exhibit Womack Testimony) (Costanza, Gregory) (Entered: 09/04/2018)
09/06/2018	59	<input type="checkbox"/>	MOTION to Withdraw as Attorney by John E. Smith. by John Henry Schneider. (Attachments: # 1 Exhibit, # 2 Text of Proposed Order) (Smith, John) (Entered: 09/06/2018)
09/07/2018	60	<input type="checkbox"/>	ORDER of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment (AMC) (Entered: 09/07/2018)
09/07/2018	61	<input type="checkbox"/>	ORDER GRANTING 59 Motion to Withdraw as Attorney. John E. Smith and Colin M. Stephens withdrawn from case as to John Henry Schneider (1). Signed by Judge Susan P. Watters on 9/7/2018. (AMC) (Entered: 09/07/2018)
09/10/2018	62	<input type="checkbox"/>	TRANSCRIPT of CHANGE OF PLEA as to John Henry Schneider held on 4/18/18, before Judge Susan P. Watters. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerk's office or the court reporter NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 14 DAYS OF THIS FILING. Contact Court Reporter Rebecca Sabo, 406-855-6410, rebeccasabo2017@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website Redaction Request due 10/1/2018. Redacted Transcript Deadline set for 10/11/2018. Release of Transcript Restriction set for 12/10/2018. (RMS) (Entered: 09/10/2018)
09/10/2018	63	<input type="checkbox"/>	TRANSCRIPT of SENTENCING as to John Henry Schneider held on 8/15/18, before Judge Susan P. Watters. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER, the clerk's office or the court reporter NOTICE: A NOTICE OF INTENT TO REQUEST REDACTION MUST BE FILED WITHIN 14 DAYS OF THIS FILING. Contact Court Reporter Rebecca Sabo, 406-855-6410, rebeccasabo2017@gmail.com. For further information, please see the Transcript Redaction Procedure and Schedule on the Court Reporters page of our website Redaction Request due 10/1/2018. Redacted Transcript Deadline set for 10/11/2018. Release of Transcript Restriction set for 12/10/2018. (RMS) (Entered: 09/10/2018)

09/17/2018			Terminate Deadlines (TRANSCRIPT DEADLINE) as to John Henry Schneider. (AMC) (Entered: 09/17/2018)
09/24/2018	64	<input type="checkbox"/>	PRO SE MOTION to Revise and Correct 42 Presentence Investigation Report by John Henry Schneider. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C) (TAG) (Entered: 09/24/2018)
09/25/2018	65	<input type="checkbox"/>	ORDER GRANTING 64 PRO SE MOTION TO CORRECT PSR as to John Henry Schneider (1). Signed by Judge Susan P. Watters on 9/25/2018. (Copy to USPO, mailed a copy to Schneider at the Encinitas, CA address. (AMC) (Entered: 09/25/2018)
09/25/2018	66		PRESENTENCE INVESTIGATION REPORT (ADDENDA)per SPW order 65 (Sealed) as to John Henry Schneider (AMC) (Entered: 09/25/2018)
10/05/2018	67	<input type="checkbox"/>	ORDER of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment (AMC) (Entered: 10/05/2018)
10/10/2018			Terminate Deadlines (REQUEST DEADLINE; REDACTED TRANSCRIPT DEADLINE) as to John Henry Schneider. (AMC) (Entered: 10/10/2018)
10/11/2018	68	<input type="checkbox"/>	Order Appointing Counsel on Appeal as to John Henry Schneider. Joshua S. Van de Wetering for John Henry Schneider appointed. (AMC) (Entered: 10/11/2018)
10/12/2018	69		Sealed Document: pro se document filed under seal per L.T. 44.1 (TAG) (Entered: 10/16/2018)
11/07/2018	71	<input type="checkbox"/>	ORDER of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment (AMC) (Entered: 11/07/2018)
11/09/2018			Terminate Deadlines (REDACTED TRANSCRIPT DEADLINE FOR DOCS 62-63) as to John Henry Schneider. (AMC) (Entered: 11/09/2018)
11/26/2018	72	<input type="checkbox"/>	NOTICE OF MOTION submitted to USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment. (JEC) (Entered: 11/26/2018)
11/28/2018			Terminate Deadlines (Release of Transcript Restrict Doc 54) as to John Henry Schneider. (EMH) (Entered: 11/28/2018)
12/13/2018			Terminate Deadlines (RELEASE OF TRANSCRIPT RESTRICT FOR DOCS 62, 63) as to John Henry Schneider. (AMC) (Entered: 12/13/2018)
12/14/2018	73	<input type="checkbox"/>	MOTION for Direct Disbursal of Restitution Funds by USA as to John Henry Schneider. (Attachments: # 1 Text of Proposed Order) (Rubich, Colin) (Entered: 12/14/2018)
12/17/2018	74	<input type="checkbox"/>	ORDER GRANTING 73 Motion for Direct Disbursal of Restitution Funds by USA as to John Henry Schneider (1). Signed by Judge Susan P. Watters on 12/17/2018. (Copy to Finance and to J. Schneider) (AMC) (Entered: 12/17/2018)
12/20/2018	75	<input type="checkbox"/>	ORDER of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment (AMC) (Entered: 12/20/2018)
12/21/2018	76	<input type="checkbox"/>	ORDER NUNC PRO TUNC GRANTING MOTION FOR DIRECT DISBURSAL OF RESTITUTION FUNDS TO UNSECURED CREDITORS OF BANKRUPTCY ESTATE as to John Henry Schneider. The Order 74 of December 17th, 2018 is SUPERSEDED. Signed by Judge Susan P. Watters on

			12/21/2018. (copy Order to MTD_Finance) (EMH) (Entered: 12/21/2018)
02/14/2019	77	<input type="checkbox"/>	ORDER of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment (AMC) (Entered: 02/14/2019)
02/20/2019	78	<input type="checkbox"/>	ORDER of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment (AMC) (Entered: 02/20/2019)
03/15/2019	79	<input type="checkbox"/>	MOTION TO AMEND RESTITUTION ORDER by John Moyer as to John Henry Schneider. (Attachments: # 1 Case Inquiry Report) (AMC) (Entered: 03/15/2019)
03/21/2019	80	<input type="checkbox"/>	ORDER DENYING 79 MOTION TO AMEND RESTITUTION ORDER as to John Henry Schneider (1). Signed by Judge Susan P. Watters on 3/21/2019. (AMC) (Entered: 03/21/2019)
07/17/2019	81	<input type="checkbox"/>	MEMORANDUM of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment. AFFIRMED. (TAG) (Entered: 07/17/2019)
08/08/2019	82	<input type="checkbox"/>	MANDATE of USCA as to John Henry Schneider re 48 Notice of Appeal - Final Judgment. The judgment of this Court, entered July 17, 2019, takes effect this date. (TAG) (Entered: 08/08/2019)
12/17/2020	83	<input type="checkbox"/>	PROBATION TRANSFER signed by Judge Watters as to John Henry Schneider. Clerk emailed USPO for further processing for second Judge's signature. (AMC) (Entered: 12/17/2020)

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FILED

JUL 24 2017

Clerk, U S District Court
District Of Montana
Billings

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**ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN HENRY SCHNEIDER,

Defendant.

CR 17-77-BLG-SPW

SUPERSEDING INDICTMENT

**FALSE STATEMENT UNDER OATH IN
RELATION TO A BANKRUPTCY
PROCEEDING**

(Count I-II)

Title 18 U.S.C. § 152(2)

**(Penalty: 5 years imprisonment, \$250,000
fine, and three years supervised release)**

**CONCEALMENT OF BANKRUPTCY
ASSETS**

(Count III-IV)

Title 18 U.S.C. § 152(1)

**(Penalty: 5 years imprisonment, \$250,000
fine, and three years supervised release)**

**FRAUDULENT TRANSFER OF ASSETS
IN RELATION TO A BANKRUPTCY
PROCEEDING (Count V)**

Title 18 U.S.C. § 152(7)

**(Penalty: 5 years imprisonment, \$250,000
fine, and three years supervised release)**

THE GRAND JURY CHARGES:

COUNT I

On or about December 12, 2014, at Billings, in the State and District of Montana, the defendant, JOHN HENRY SCHNEIDER, knowingly and fraudulently made a false material statement under oath and in relation to a case under Title 11, *In re: John Henry Schneider*, Case No. 14-61357, by falsely swearing under oath in the Statement of Financial Affairs filed with the United States Bankruptcy Court on December 12, 2014, that the Statement of Financial Affairs was true and correct, when, in fact, it was not true or correct as it had omitted financial transfers of approximately \$539,736.22, personal property valued at approximately \$15,495 and financial assets of approximately \$309,686.00, in violation of 18 U.S.C. § 152(2).

COUNT II

On or about January 23, 2015, at Billings, in the State and District of Montana, the defendant, JOHN HENRY SCHNEIDER, knowingly and fraudulently made a false material statement under oath and in relation to a case under Title 11, *In re: John Henry Schneider*, Case No. 14-61357, by falsely testifying under oath in a proceeding before the case trustee at a meeting of creditors that the Statement of Financial Affairs filed with the United States Bankruptcy Court on December 12, 2014 was accurate and complete, when, in

fact, it was not accurate or complete as it had omitted financial transfers of approximately \$539,736.22, personal property valued at approximately \$15,495 and financial assets of approximately \$309,686.00, in violation of 18 U.S.C. § 152(2).

COUNT III

On or about December 12, 2014, at Billings, in the State and District of Montana, the defendant, JOHN HENRY SCHNEIDER, did knowingly and fraudulently conceal property belonging to his bankrupt estate, Bankruptcy Case No. 14-61357, specifically U.S. Bank Account number 1-500-9160-2881 containing approximately \$309,686.00, from the trustee charged with control of the debtor's property and from the creditors and the United States Trustee, in violation of 18 U.S.C. § 152(1).

COUNT IV

On or about December 12, 2014, at Billings, in the State and District of Montana, the defendant, JOHN HENRY SCHNEIDER, did knowingly and fraudulently conceal property belonging to his bankrupt estate, Bankruptcy Case No. 14-61357, specifically a 2001 Harley Davidson Motorcycle, from the trustee charged with control of the debtor's property and from the creditors and the United States Trustee, in violation of 18 U.S.C. § 152(1).

COUNT V

From on or about March 11, 2013 until on or about May 3, 2014, at Billings, in the State and District of Montana, the defendant, JOHN HENRY SCHNEIDER, in contemplation of bankruptcy against his personal estate, did knowingly and fraudulently transfer approximately \$539,736.22 to an individual know as K.B. with the intent to defeat the provisions of Title 11, all in violation of 18 U.S.C. § 152(7).

A TRUE BILL.

Foreperson Signature Redacted.

~~FOREPERSON~~


JOSEPH E. THAGGARD
Criminal Chief Assistant U.S. Attorney

Crim. Summons X

Warrant: _____

Bail: none

Summons

8/29/2017 @ 9:00am

Billings, TJC

UNITED STATES DISTRICT COURT

District of Montana

UNITED STATES OF AMERICA

v.

John Henry Schneider

JUDGMENT IN A CRIMINAL CASE

Case Number: CR 17-77-BLG-SPW

USM Number: 64084-298

John Smith

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 3 Superseding Indictment☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18usc152(1)	Concealment of Bankruptcy Assets	12/12/2014	3 <i>SI</i>

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s) _____☒ Count(s) 1, 2, 4, 5, ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/15/2018

Date of Imposition of Judgment

Susan P. Watters

Signature of Judge

FILED

AUG 16 2018

Clerk, U S District Court
District Of Montana
Billings

Susan P. Watters, District Judge

Name and Title of Judge

8/15/2018

Date

DEFENDANT: John Henry Schneider
CASE NUMBER: CR 17-77-BLG-SPW

IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

24 months

☒ The court makes the following recommendations to the Bureau of Prisons:

The defendant be placed at Taft CI because it is close to family.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☒ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: John Henry Schneider
CASE NUMBER: CR 17-77-BLG-SPW

SUPERVISED RELEASE

Upon release from imprisonment, you will be on supervised release for a term of :

3 years

MANDATORY CONDITIONS

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
 - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: John Henry Schneider
CASE NUMBER: CR 17-77-BLG-SPW

STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: www.uscourts.gov.

Defendant's Signature _____

Date _____

DEFENDANT: John Henry Schneider
CASE NUMBER: CR 17-77-BLG-SPW

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant will provide the United States Probation Officer with any requested financial information and shall incur no new lines of credit without prior approval of the United States Probation Officer. You must notify the Probation Officer of any material changes in your economic circumstances that might affect your ability to pay restitution, fines or special assessments.
2. The defendant shall pay restitution in the amount of \$308,945.00. The defendant is to make payments at a rate of \$12,872.70 per month, or as otherwise directed by United States Probation. Payment shall be made to the Clerk, United States District Court, 2601 2nd Avenue North, Billings, MT 59101 and shall be disbursed to Joseph Womack, Chapter 7 Panel Bankruptcy Trustee.
3. The defendant shall submit their person, residence, place of employment, vehicles, and papers, to a search, with or without a warrant by any probation officer based on reasonable suspicion of contraband or evidence in violation of a condition of release. Failure to submit to search may be grounds for revocation. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The defendant shall allow seizure of suspected contraband for further examination.

DEFENDANT: John Henry Schneider
CASE NUMBER: CR 17-77-BLG-SPW**CRIMINAL MONETARY PENALTIES**

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>JVTA Assessment*</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$	\$ 308,945.00

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss**</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Joseph Womack		\$308,945.00	

TOTALS	\$	<u>0.00</u>	\$	<u>308,945.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☒ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22.

** Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: John Henry Schneider
CASE NUMBER: CR 17-77-BLG-SPW

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- Criminal monetary penalty payments are due during imprisonment at the rate of not less than \$25.00 per quarter, and payment shall be through the Bureau of Prisons' Inmate Financial Responsibility Program. Criminal monetary payments shall be made to the Clerk, United States District Court, James F. Battin U.S. Courthouse, 2601 2nd Ave North, Ste 1200, Billings, MT 59101.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 17 2019

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

No. 18-30187

Plaintiff-Appellee,

D.C. No. 1:17-cr-00077-SPW-1

v.

MEMORANDUM*

JOHN HENRY SCHNEIDER,

Defendant-Appellant.

Appeal from the United States District Court
for the District of Montana
Susan P. Watters, District Judge, Presiding

Submitted July 15, 2019**

Before: SCHROEDER, SILVERMAN, and CLIFTON, Circuit Judges.

John Henry Schneider appeals from the district court's judgment and challenges the 24-month sentence imposed following his guilty-plea conviction for concealment of bankruptcy assets, in violation of 18 U.S.C. § 152(1). We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). Schneider's request for oral argument is, therefore, denied.

Schneider argues that trial counsel was constitutionally ineffective at sentencing for failing to object to (1) the loss calculation under U.S.S.G. § 2B1.1; (2) the introduction and content of victim impact statements; and (3) the district court's alleged failure to properly consider and weigh the 18 U.S.C. § 3553(a) sentencing factors. We decline to address these claims on direct appeal because the record is insufficiently developed to permit determination of the issues, and Schneider's legal representation was not so inadequate that it obviously denied him his Sixth Amendment right to counsel. *See United States v. Rahman*, 642 F.3d 1257, 1259-60 (9th Cir. 2011).

We decline to reach Schneider's additional claims because he did not specifically and distinctly raise and argue those issues in his opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 08 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

JOHN HENRY SCHNEIDER,

Defendant - Appellant.

No. 18-30187

D.C. No. 1:17-cr-00077-SPW-1
U.S. District Court for Montana,
Billings

MANDATE

The judgment of this Court, entered July 17, 2019, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule
41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Nixon Antonio Callejas Morales
Deputy Clerk
Ninth Circuit Rule 27-7